

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE PATRICIA GARCIA,
 Plaintiff,

Case No.: 2:22-cv-00084-JAD-NJK

REPORT AND RECOMMENDATION

On January 14, 2022, Plaintiff filed documents to attempt to initiate this case. Docket No. 1. On May 5, 2022, this Court found that Plaintiff had failed to include basic required information in her initiating documents and ordered her to file a proper complaint no later than June 6, 2022. Docket No. 2. The Court warned that “failure to comply will result in a recommendation to the District Judge that this case be dismissed.” *Id.* When the Court’s order was returned as undeliverable, the Court ordered Plaintiff to file a notice of address change, which she did on June 27, 2022. Docket Nos. 4, 5, 6. On June 28, 2022, the Court again ordered Plaintiff to file a proper complaint and either pay the filing fee or an application to proceed *in forma pauperis*, no later than July 28, 2022. Docket No. 7. The Court again warned that “**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OF THIS CASE.**” *Id.* (emphasis in original). Notwithstanding the Court’s warnings, Plaintiff has failed to comply with the Court’s order. *See* Docket.

This case cannot proceed without Plaintiff filing a proper complaint and either paying the filing fee or filing a motion to proceed *in forma pauperis*. *See* 28 U.S.C. § 1914(a); *see also* 28 U.S.C. § 1915(a). Having refused to do either in this case, Plaintiff’s complaint is subject to dismissal. *E.g., Desai v. Biden*, 2021 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

Moreover, Plaintiff’s refusal to comply with the Court’s order is an abusive litigation practice that has interfered with the Court’s ability to hear this case, delayed litigation, disrupted the Court’s timely management of its docket, wasted judicial resources, and threatened the

1 integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than
2 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court
3 notwithstanding the warning that case-dispositive sanctions may be imposed.

4 The undersigned therefore **RECOMMENDS** that this case be **DISMISSED** without
5 prejudice.

6 IT IS SO ORDERED.

7 Dated: August 2, 2022.

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11 NANCY J. KOPPE
12 UNITED STATES MAGISTRATE JUDGE

13 **NOTICE**

14 This report and recommendation is submitted to the United States District Judge assigned
15 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
16 recommendation must file a written objection supported by points and authorities within fourteen
17 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
18 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
19 F.2d 1153, 1157 (9th Cir. 1991).
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